

107TH CONGRESS
2D SESSION

S. 3038

To amend the Lacey Act Amendments of 1981 to further the conservation
of certain wildlife species.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2002

Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) introduced
the following bill; which was read twice and referred to the Committee
on Environment and Public Works

A BILL

To amend the Lacey Act Amendments of 1981 to further
the conservation of certain wildlife species.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Captive Wildlife Safety
5 Act”.

6 **SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

7 Section 2 of the Lacey Act Amendments of 1981 (16
8 U.S.C. 3371) is amended—

9 (1) by redesignating subsections (g) through (j)
10 as subsections (h) through (k), respectively; and

1 (2) by inserting after subsection (f) the fol-
 2 lowing:

3 “(k) PROHIBITED WILDLIFE SPECIES.—The
 4 term ‘prohibited wildlife species’ means any live lion,
 5 tiger, leopard, cheetah, jaguar, or cougar.”.

6 **SEC. 3. PROHIBITED ACTS.**

7 (a) IN GENERAL.—Section 3 of the Lacey Act
 8 Amendments of 1981 (16 U.S.C. 3372) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A), by striking “,
 12 or” at the end and inserting a semicolon;

13 (ii) in subparagraph (B), by inserting
 14 “or” after the semicolon at the end; and

15 (iii) by adding at the end the fol-
 16 lowing:

17 “(C) any prohibited wildlife species (sub-
 18 ject to subsection (e));”;

19 (B) in paragraph (3)(B), by inserting “or”
 20 after the semicolon at the end; and

21 (C) in paragraph (4), by striking “para-
 22 graphs (1) through (4)” and inserting “para-
 23 graphs (1) through (3)”;

24 (2) by adding at the end the following:

1 “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE
2 SPECIES OFFENSE.—

3 “(1) IN GENERAL.—Subsection (a)(2)(C) does
4 not apply to—

5 “(A) any zoo, circus, research facility li-
6 censed or registered and inspected by a Federal
7 agency, or aquarium;

8 “(B) any person accredited by the Associa-
9 tion of Sanctuaries or the American Sanctuary
10 Association;

11 “(C) any State college, university, or agen-
12 cy, State-licensed wildlife rehabilitator, or
13 State-licensed veterinarian;

14 “(D) any incorporated humane society,
15 animal shelter, or society for the prevention of
16 cruelty to animals;

17 “(E) any federally-licensed and inspected
18 breeder or dealer that is conducting any breed-
19 ing or dealing activity with a person referred to
20 in this paragraph; or

21 “(F) any person having custody of a wild
22 animal solely for the purpose of transporting
23 the animal to a person referred to in this para-
24 graph.

1 “(2) REGULATIONS.—Not later than 180 days
2 after the date of enactment of this subsection, the
3 Secretary, in consultation with the heads of other
4 relevant Federal agencies, shall promulgate regula-
5 tions describing the persons or entities to which
6 paragraph (1) applies.

7 “(3) STATE AUTHORITY.—Nothing in this sub-
8 section preempts or supersedes the authority of a
9 State to regulate wildlife species within that State.”.

10 (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey
11 Act Amendments of 1981 (as added by subsection
12 (a)(1)(A)(iii)) shall apply beginning on the effective date
13 of regulations promulgated under section 3(e)(2) of that
14 Act (as added by subsection (a)(2)).

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